

### **Listing of Claims**

The following claims replace all prior versions of the claims in this application:

- 1   **(currently amended)** An apparatus for ablating tissue, the apparatus comprising:  
  
                    first and second opposing jaws operative to secure tissue to be ablated  
  
therebetween;  
  
                    the first jaw having a first ablation surface directing ablative energy  
  
into the tissue; ~~and~~  
  
                    the second jaw having a second ablation surface reflecting ablative  
  
energy into the tissue; and  
  
                    at least one of the first jaw or the second jaw having a cavity with a  
  
transducer element therein and an air backing chamber.
- 2   **(original)**     The apparatus according to claim 1, further comprising a passage for  
communication of a cooling fluid to at least one of the first and second elongated jaws.
- 3   **(original)**     The apparatus according to claim 1, further comprising a heat exchanger  
for the conduction of heat away from a distal end of the apparatus.
- 4   **(original)**     The apparatus according to claim 1, wherein the first jaw comprises an  
ultrasonic transducer for supplying ultrasonic ablative energy to the first ablation surface.
- 5   **(original)**     The apparatus according to claim 1, wherein the ablative energy directed  
into the tissue by the first ablative surface is focused at its source.
- 6   **(original)**     The apparatus according to claim 1, wherein the second ablation surface is  
shaped to focus the reflected ablative energy.
- 7   **(original)**     The apparatus according to claim 1, further comprising a temperature  
probe adjacent one of the first and second ablation surfaces.
- 8   **(original)**     The apparatus according to claim 1, wherein the ablative energy is one of  
ultrasonic, microwave, laser radio-frequency and cryoablative energy.

- 9 (currently amended)** The ~~instrument~~ apparatus of claim 1, wherein one of the first and second jaws has a pointed distal tip for piercing tissue.
- 10 (currently amended)** The ~~instrument~~ apparatus of claim 9, wherein the pointed distal tip comprises a tapered surface terminating in a sharp leading edge.
- 11 (currently amended)** The ~~instrument~~ apparatus of claim 1, wherein the first and second jaws maintain at least a substantially parallel relationship between the open and closed positions.
- 12 (currently amended)** The ~~instrument~~ apparatus of claim 11, further comprising:
- biasing means for biasing the first and second jaws in the open position;
  - a first elongated rod disposed at a proximal end of the first jaw;
  - a second elongated rod disposed at a proximal end of the second jaw;
  - an elongated tube having a lumen for disposing the first and second elongated rods;
- wherein at least one of the first and second elongated rods and the elongated tube is operatively connected to the articulation means such that actuation thereof forces the first and second jaws into the closed position against a biasing force of the biasing means.
- 13 (currently amended)** The ~~instrument~~ apparatus of claim 12, wherein the articulation means comprises a handle, the elongated tube and first and second elongated rods having a proximal end operatively connected to the handle, the handle having a fixed portion and a movable lever portion, wherein rotation of the movable lever portion relative to the fixed portion actuates the first and second jaws into the closed position and an opposite rotation of the movable lever portion relative to the fixed portion actuates the first and second jaws into the open position.

**14 (currently amended)**      The ~~instrument~~ apparatus according to claim 1, wherein the first and second jaws are operative to compress tissue therebetween.